

Elements of a Personal Injury Case

There are **four basic elements that must be proven** in order to have a successful personal injury case after a car accident:

1

Duty

If you are filing a claim for negligence, the first thing that must be proven is duty. Every driver who gets behind the wheel has a duty to follow the rules of the road. That means, for instance, a person operating a motor vehicle has the legal duty to follow the speed limits.

2

Breach of Duty

After the particular duty is established, you must then prove a breach of that duty. The other driver did something or failed to do something that a "reasonably prudent person" would or would not have done under similar circumstances.

3

Causation

The third element that you will have to prove is that the other driver's negligence directly caused your injury. The mere act of running the stop sign or following too close is not enough. There has to be an injury.

4

Damages

The last element that you will have to prove is that you have suffered physical and/or emotional damages. In most cases, this is very simple to prove with an accurate medical test, expert witness testimony, etc.

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